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FM AMEMBASSY SAIGON
TO SECSTATE WASHDC IMMEDIATE 7914
INFO AMEMBASSY BANGKOK 4400
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AMCONSUL DANANG 1037
AMEMBASSY VIENTIANE 2646

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Joan Sgubin DATE 12/23/81
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C O N F I D E N T I A L SAIGON 7333

CINCPAC FOR POLAD

REF: SAIGON 7315

SUBJECT: NATIONAL ASSEMBLY: VALIDATION OF PRESIDENTIAL ELECTION

1. ASSEMBLY RECESSED AT 12:45 SEPTEMBER 30 LOCAL TIME FOR LUNCH AND WILL RECONVENE AT 1430. DURING MORNING SESSION DEPUTIES DISCUSSED FORMAL COMPLAINTS SUBMITTED TO CENTRAL ELECTION COUNCIL REGARDING "GENERAL" IRREGULARITIES (BALLOTS BEARING WRONG SYMBOL, ETC.) AND ELECTION CAMPAIGN IRREGULARITIES.

(1)

2. BEFORE DEBATE BEGAN, DO AI, ASSEMBLY REPRESENTATIVE

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ON CENTRAL ELECTION COUNCIL, WAS INVITED TO EXPLAIN WHY HE DID NOT SIGN CEC REPORTED TRANSMITTED TO ASSEMBLY ON SEPTEMBER 25. (HE WAS REPORTEDLY OUT OF TOWN ON THAT DAY.) DC AI SAID HE REFUSED TO SIGN BECAUSE HE DID NOT AGREE WITH CEC CONCLUSIONS, FOR INSTANCE CEC REFUSAL TO CITE SEPTEMBER 2 TV APPEARANCE OF GENERAL THIEU AS VIOLATION OF ELECTORAL LAW.

3. SPECIAL COMMITTEE RAPPORTEUR NGUYEN HUU CHUNG DESCRIBED SIX INSTANCES OF "GENERAL" IRREGULARITIES, INVFUDING COMPLAINT BY DZU THAT SOME SUU BALLOTS WERE PRINTED WITH DZU'S SYMBOL. CHUNG SAID CEC HAD AGREED THAT THESE WERE NOT VALID CINIHAINTS, AND THAT SPECIAL COMMITTEE DECIDED LIKEWISE. ASSEMBLY VOTED 76 IN FAVOR (OF APPROXIMATELY 95 DEPUTIES PRESENT) TO REJECT TE COMPLAINTS.

4. SECOND GENERAL CATEGORY OF COMPLAINTS CONSIDERED WAS THOSE HAVING TO DO WITH ELECTION CAMPAIGN IRREGULARITIES. FIRST (OF 16) OF ALLEGED CAMPAIGN IRREGULARITIES TO BE DISCUSSED WAS STATEMENT BY PRIME MINISTER KY THAT HE WOULD OVERTHROW UNWORTHY GOVERNMENT. DEFEATED PRESIDENTIAL SLATES 3, 4, 6, 7, 8,

1Ø AND 11 COMPLAINED THAT STATEMENT VIOLATED ELECTORAL LAW. (PHAN KHAC SUU ALSO FILED COMPLAINT TO THAT EFFECT, BUT ANNOUNCED THAT HE HAD WITHDRAWN HIS OWN COMPLAINTS IN ORDER TO MAINTAIN IMPARTIALITY AS PRESIDING OFFICER.) CEC DID NOT MAKE DECISION ON THIS CASE; NGUYEN HUU CHUNG ANNOUNCED THAT BY VOTE OF 17 OUT OF 21 DEPUTIES PRESENT SPECIAL COMMITTEE DECIDED THAT KY'S STATEMENT WAS VIOLATION OF ARTICLE 38 OF ELECTION LAW (PROSCRIBING "THREATS" AGAINST VOTERS). (SHOULD BE RECALLED THT COMMITTEE MEMBERSHIP, ORIGINALLY SET AT 16 PLUS A CHAIRMAN, WAS EXPANDED TO PERMIT THOROUGH EXAMINATION OF TALLY SHEETS FROM ALL POLLING STATIONS.)

5. SENATORAELECT TRUONG TIEN DAT OPENED DEBATE ON QUESTION BY ASSERTING THAT KY'S STATEMENT THREATENED NEITHER CANDIDATES NOR VOTERS AND COULD NOT BE CONSIDERED VIDLATION OF ELECTION LAW.

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NGUYEN VAN HOI (SOUTHERN CATHOLIC MEMBER OF DEMOCRATIC ALLIANCE ELECT) AGREED WITH DAT. DURING COURSE OF DEBATE DAT'S VIEW WAS ALSO SUPPORTED BY INDEPENDENT DEPUTY NGUYEN HUU HIEU, DIEP VAN HUNG, BUI VAN GIAI (INDEPENDENT SENATOR-ELECT). NGUYEN TUNA THUAT AND NGUYEN BA LUONG (BOTH MEMBERS OF DEMOCRATIC ALLIANCE).

3. OPPOSITE POSITION (THAT STATEMENT BY KY DID VIOLATE

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ELECTORAL LAW) WAS TAKEN BY MRS DEPUTIES LY ZI CHUNG AND NGUYEN VAN SANG, NGO THANH TAG OF DEMOCRATIC ALLIANCE, INDEPENDENT LY VAN HIEP, LUONG THUONG HAI (DEMOCRATIC ALLIANCE MEMBER BUT SUPPORTER OF PAHN KHAC SUU), AND INDEPENDENT TRAN VAN PHIEN.

4. ASSEMBLY VOTED ON QUESTION ONCE, SPENT SEVERAL MINUTES DEBATING WHETHER OR NOT MORE THAN RELATIVE MAJORITY WAS NECESSARY FOR DECISION, AND VOTED AGAIN. FIRST TIME AROUND 43 DEPUTIES VOTED THAT
SPEECH DID
VIOLATE ELECTORAL LAW AND 7 VOTED THAT IT DID NOT. ON SECOND VOTE 52 DEPUTIES AGREED THAT IT WAS A VIOLATION, 13 HELD THAT IT WAS NOT. (VOTE IS NOT DEFINITIVE, MERELY CONFIRMING THAT KY SPEECH WAS VIOLATIOFOF LAW AND SHOULD BE CONSIDERED IN REACHING FINAL DECISION ON VALIDATION OF ELECTION.)

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